

REMARKS

A review of the claims indicates that:

A) Claims 2—6, 9, 10, 12—22, 31 and 33—37 remain in their original form.

B) Claims 1, 8 and 30 are currently amended.

C) Claims 7, 11 and 23—29 are currently cancelled.

In view of the following remarks, Applicant respectfully requests reconsideration of the rejected claims and withdrawal of the rejections.

35 U.S.C. §112

The Office rejected Claims 1—14 and 30—34 under Section 112, first. The rejection indicates that the rejected claims are unclear, and therefore indicates a Section 112, second paragraph, rejection. The Applicant respectfully points to claim amendments and the following discussion to overcome the rejection.

Claim 1 has been amended to recite “physical engagement,” which is also recited by Claims 8 and 30. Accordingly, the Applicant recites “physical engagement” or similar in all three independent claims. Referring to the Applicant’s specification at [0027] and other locations, physical engagement is interpreted as touching or similar. Thus, if the user is “sensed” by the computer it does not mean that the user has “physically engaged” the computer. This is analogous to the difference between seeing someone and touching someone.

The Applicant would welcome the opportunity to discuss this, if necessary, to clear up the issue.

1 **Traversal of the §102 Rejections**

2 Claims 1—19, 21—31 and 35—37 were rejected under §102(e) as being
3 anticipated by U.S. Patent No. 5,495,302, hereinafter “Abruna.” In response, the
4 Applicant respectfully traverses the rejection.

5
6 **Claim 1** recites a method comprising:

- 7 • sensing for a human presence in a region proximate a processing
8 system independently of any physical engagement by a human of the
9 processing system;
- 10 • generating a signal based on said sensing; and
- 11 • controlling at least one user-perceptible output of the processing
12 system based, at least in part, on said signal, **wherein said act of
13 controlling comprises powering-up at least a portion of the
14 processing system when a user is detected after a period when no
15 user had been detected.**

16
17 Claim 1 has been amended to recite elements from Claim 7, which is now
18 cancelled. In particular, Claim 1 now recites, in part, “wherein said act of
19 controlling comprises powering-up at least a portion of the processing system
20 when a user is detected after a period when no user had been detected”. Thus,
21 Claim 1 retains the exact scope of original Claim 7. Claims 1 and 7 were both
22 rejected under Section 102(e) as being anticipated by Abruna. The Applicant will
23 respectfully address the rejections of both claims, as they apply to amended Claim
24 1.
25

 The Abruna reference teaches that viewing a TV set from a too-close
location is harmful, and that a proximity sensor can be used to disconnect the data
input (e.g. antenna, cable and/or RF signal). (See generally, Abruna at Abstract
and other locations.) The relay 46 controls the UHF/VHF signal. For example, at

1 column 6, lines 37—43, a sensor 14 detects a person within range, and the relay
2 changes state, opening the circuit to the incoming signal (UHF/VHF). Time delays
3 are discussed by Abruna, which function to prevent “false alarms,” that is, to
4 prevent cutting off the signal for a momentary movement into the zone near the
5 TV (see column 7, lines 29—40 for a discussion of the 555 timer, etc.).

6 The Applicant respectfully submits that Abruna does not show or disclose
7 “powering up” as recited by Claim 1. Powering up relates to applying power
8 and/or turning on part of the device. In contrast, Abruna discloses switching in
9 and out the UHF/VHF signal by operation of relay 46 (see, for example, column 6,
10 at lines 33—43.). As noted by Abruna, this does not power up or power down the
11 TV set. Instead, if the signal is cut off, the user sees “snow” (column 3, lines 19—
12 24). Thus, the “snow” results not from powering up or down, but from a loss of
13 signal (antenna) to the TV set. Accordingly, the Applicant respectfully submits
14 that Claim 1 is distinguished from Abruna at least in that it recites powering up
15 and Abruna discloses switching on and off the antenna (UHF/VHF) signal, not the
16 power. Accordingly, the Applicant respectfully submits that Abruna fails to
17 disclose the powering up element recited by Claim 1.

18 Additionally, the Applicant respectfully submits that Abruna does not show
19 or disclose “after a period when no user has been detected” as recited by Claim 1.
20 In contrast, Abruna discloses timing the period wherein the person is being
21 detected (as opposed to ‘is not being detected’). This can be understood by
22 reference to the paragraph beginning “A temporal delay...” at column 7, lines
23 29—39. At this location, Abruna discloses that in order to keep the relay from
24 cutting off the signal if someone walks briefly in front of the TV, the 555 (or
25 similar) timer is configured to delay the circuit. That is, Abruna wants to cut off

1 the antenna if someone attempts to watch TV too close to the TV set, but does not
2 want to cut off the antenna if someone briefly passes near the TV set. Thus,
3 someone must be in 'view' of sensor 14 for a threshold period of time before the
4 device 46 switches off the signal to the TV set. Thus, Abruna discloses timing a
5 period wherein the user is in front of the TV set. In contrast, the Applicant's
6 Claim 1 recites "a period when no user has been detected". As a result, Abruna
7 discloses a different use of timing.

8 The Patent Office, in rejecting Claim 7 (now incorporated into Claim 1 by
9 amendment) refers to Abruna at column 7, lines 20—50. The Applicant
10 respectfully submits that this passage does not disclose "wherein said act of
11 controlling comprises powering-up at least a portion of the processing system
12 when a user is detected after a period when no user had been detected".

13 Referring to column 7, lines 20—28, Abruna discloses that operation of the
14 relay 46 can result in line 50 being held to ground, which effectively removes the
15 video signal and results in a dark screen (unless the signal is able to move across
16 the switch by capacitive coupling). A local pattern can be introduced at this point.
17 The Applicant thinks that Abruna is suggesting that a screen message could be
18 introduced warning the user to move back. However, Abruna is somewhat unclear
19 about the local pattern.

20 Referring to column 7, lines 29—39, Abruna discloses that someone
21 moving close to the TV briefly (such as to walk by, but not to stop and watch)
22 could result in the signal being cut off—unless a timing chip (the 555) delays
23 signal cut off until the person has been in the vicinity for a time delay of "in the
24 tens of second" (column 7, lines 36—39).

1 Referring to column 7, lines 40—50, it would seem that this is just ‘boiler
2 plate,’ and of no relevance.

3 Accordingly, the Applicant respectfully submits that Abruna fails to show
4 or disclose, “wherein said act of controlling comprises powering-up at least a
5 portion of the processing system when a user is detected after a period when no
6 user had been detected”. Thus, the Applicant respectfully requests that the Office
7 remove the Section 102 rejection of Claim 1, as amended.

8 **Claims 2—6** depend from Claim 1 and are allowable due to their
9 dependence from an allowable base claim. These claims are also allowable for
10 their own recited features that, in combination with those recited in Claim 1, are
11 neither disclosed nor suggested in references of record, either singly or in
12 combination with one another. Accordingly, the Applicant respectfully requests
13 that the Section 102 rejection of these claims be removed.

14
15 **Claim 8** recites a method comprising:

- 16 • defining a region proximate a processing system and within which a
user enters to use the processing system;
- 17 • detecting a user who has entered the region; and
- 18 • responsive to said detecting and independent of a user physically
engaging the processing system, causing an effect on a display
19 device associated with the processing system, **wherein said causing
comprises powering-up the display device from a stand-by mode
20 to an active mode when the user is detected.**

21
22 Claim 8 has been amended to recite elements from Claim 11, which is now
23 cancelled. In particular, Claim 8 now recites, in part, “wherein said causing
24 comprises powering-up the display device from a stand-by mode to an active mode
25 when the user is detected”. Thus, Claim 8 retains the exact scope of original

1 Claim 11. Claims 8 and 11 were both rejected under Section 102(e) as being
2 anticipated by Abruna. The Applicant will respectfully address the rejections of
3 both claims, as they apply to amended Claim 8.

4 The Applicant respectfully submits that Abruna does not show or disclose
5 “powering up” or a “stand-by mode” in general, and more particularly in response
6 to detection of a user.

7 The remarks from above with respect to Claim 1 are incorporated herein
8 with respect to Claim 8. Abruna discloses that the signal (UHF/VHF) can be
9 switched on and off by the relay 46. Additionally, Abruna discloses that the
10 switching can be regulated somewhat by the timer, which prevents switching
11 unless the sensor 14 receives a signal for over a threshold period of time
12 (suggested to be in the 10s of seconds).

13 However, Abruna does not disclose a “stand-by” mode. In fact, TV’s don’t
14 appear to have a stand-by mode. Moreover, Abruna fails to disclose powering up
15 (or down). Instead, Abruna discloses switching on and off the antenna
16 (UHF/VHF) signal. And further, Abruna fails to disclose switching to an “active
17 mode” when a user is detected. Since Abruna discloses switching off the TV
18 signal when a user is detected (too close to the TV set), it would seem that Abruna
19 discloses moving to an inactive mode when a user is detected.

20 The Office points to column 7, lines 1—23 in making out the rejection of
21 Claim 11 (now incorporated in Claim 8, as amended). Herein, the operation of the
22 relay 46 is discussed, and its role in cutting off the UHF/VHF signal to the TV if
23 the user is too close to the TV. The Applicant believes that the Office interprets
24 Abruna to have a stand-by mode of regular TV, and an active mode of creating
25 “snow” when someone is too close. However, this does not happen by “powering

1 up the display device” as recited. In fact, it would seem that Abruna has power to
2 the display in both regular TV mode and also in “snow” (no antenna signal) mode.
3 Thus, the Applicant respectfully submits that significant differences between the
4 recited claim and the Abruna disclosure are present. The Applicant respectfully
5 requests that the Section 102 rejection of Claim 8, amended to the scope of
6 original Claim 11, be removed.

7 **Claims 9, 10 and 12—14** depend from Claim 8 and are allowable due to
8 their dependence from an allowable base claim. These claims are also allowable
9 for their own recited features that, in combination with those recited in Claim 8,
10 are neither disclosed nor suggested in references of record, either singly or in
11 combination with one another. Accordingly, the Applicant respectfully requests
12 that the Section 102 rejection of these claims be removed.

13
14 **Claim 15** recites a display device comprising:

- 15 • a means for creating a user-perceptible image which is viewable
from a region proximate the display device;
- 16 • a means for generating a signal relating to a user being present in the
region; and
- 17 • a means for affecting the user-perceptible image based, at least in
18 part, on the signal, **wherein the affecting comprises powering-up**
19 **at least a portion of the display device when a user is detected**
after a period when no user had been detected.

20
21 Claim 15 has been amended to recite elements similar to Claim 1. In
22 particular, Claim 15 now recites, in part, “wherein the affecting comprises
23 powering-up at least a portion of the display device when a user is detected after a
24 period when no user had been detected”. In view of the amendment to Claim 15,
25

1 the Applicant incorporates by reference the remarks and arguments associated with
2 Claim 1 (and other claims) above.

3 Accordingly, the Applicant submits that Claim 15 is allowable for at least
4 the reasons Claim 1 is allowable, and respectfully requests that the Section 102
5 rejection of Claim 15 be withdrawn.

6 **Claims 16—22** depend from Claim 15 and are allowable due to their
7 dependence from an allowable base claim. These claims are also allowable for
8 their own recited features that, in combination with those recited in Claim 15, are
9 neither disclosed nor suggested in references of record, either singly or in
10 combination with one another. Accordingly, the Applicant respectfully requests
11 that the Section 102 rejection of these claims be removed.

12
13 **Claim 30** recites a processing system comprising:

- 14 • a display device comprising a first processor and configured to
15 generate a visual display perceptible by a user positioned in a region
16 proximate the display device;
- 17 • at least one sensor coupled to the display device and configured to
18 sense a human presence in the region independent of the human
19 physically engaging the processing system, wherein the at least one
20 sensor is configured to create a signal and wherein the visual display
21 of the display device can be affected by the signal; and
- 22 • **a second device coupled to the display device and wherein the
23 second device contains a second processor and wherein a
24 processing speed of the second processor can be affected by the
25 signal.**

22 The Applicant has amended Claim 30 to recite the elements of Claim 32.
23 Accordingly, the Applicant will address the rejection of Claim 32. As amended,
24 Claim 30 recites, “a second device coupled to the display device and wherein the
25 second device contains a second processor and wherein a processing speed of the

1 second processor can be affected by the signal”. The Applicant respectfully
2 submits that Abruna fails to teach or suggest at least “a processing speed,” and
3 therefore fails to show or disclose the elements of Claim 1.

4 The Patent Office points to Abruna at column 7, lines 1—29. However, the
5 Applicant respectfully submits that nowhere in Abruna are the subjects of “first
6 processor,” “second processor” and “processor speed” of a second processor
7 discussed. Without more guidance on what the Office suggests is shows “a
8 processor” and/or “processor speed” in Abruna, the Applicant respectfully submits
9 that Abruna fails to show or disclose element in Claim 30, as amended to the scope
10 of Claim 32, and respectfully requests that the Section 102 rejection be removed.

11 **Claims 31 and 33—34** depend from Claim 30 and are allowable due to
12 their dependence from an allowable base claim. These claims are also allowable
13 for their own recited features that, in combination with those recited in Claim 30,
14 are neither disclosed nor suggested in references of record, either singly or in
15 combination with one another. Accordingly, the Applicant respectfully requests
16 that the Section 102 rejection of these claims be removed.

17 **Claim cancellations**

18 In the interests of promoting prosecution of this application, the Applicant
19 has cancelled a number of claims. This is not to be construed as a reflection of the
20 Applicant’s opinion on the allowability of any of the subject matter contained in
21 these claims. Rather, the cancellations reflect the need to limit the Applicant’s
22 burden in further prosecuting this case.

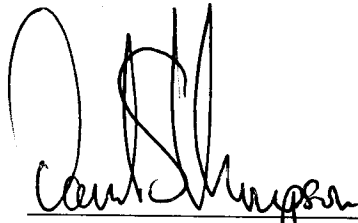
23 **Conclusion**

24 The Applicant submits that all of the claims are in condition for allowance
25 and respectfully requests that a Notice of Allowability be issued. If the Office’s

1 next anticipated action is not the issuance of a Notice of Allowability, the
2 Applicant respectfully requests that the undersigned attorney be contacted for the
3 purpose of scheduling an interview.
4

5 Respectfully Submitted,

6
7 Dated: 13 March 2008

8 By: 

9 David S. Thompson
10 Reg. No. 37,954
11 Attorney for Applicant

12 LEE & HAYES, PLLC
13 Suite 500
14 421 W. Riverside Avenue
15 Spokane, Washington 99201

16 Telephone: 509-324-9256 x235
17 Facsimile: (509) 323-8979
18
19
20
21
22
23
24
25